

House File 209 - Introduced

HOUSE FILE _____
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act establishing requirements for persons contracting with the
2 state to provide services.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2030HH 82
5 jp/es/88

PAG LIN

1 1 Section 1. NEW SECTION. 73.3A CONTRACT EMPLOYEE
1 2 SERVICES.
1 3 A person who contracts with a department, as defined in
1 4 section 8.2, or with a state authority to provide
1 5 administrative, labor, or other services that would otherwise
1 6 be provided by state employees shall, as a condition of
1 7 receiving the contract, report all payments received under the
1 8 contract to the department of management. The department of
1 9 management shall annually prepare an analysis of the reports
1 10 and provide the analysis to the governor and the general
1 11 assembly.
1 12 Sec. 2. NEW SECTION. 217.14 CONTRACTOR REQUIREMENTS.
1 13 1. A person contracting with the department of human
1 14 services to provide services shall be subject to all of the
1 15 requirements of this section.
1 16 2. In addition to the requirements of section 68B.7, a
1 17 person who has been employed by the department, for a period
1 18 of two years after the termination of the employment, shall
1 19 not contract with the department to provide services.
1 20 However, the prohibition under this subsection is not
1 21 applicable under any of the following circumstances:
1 22 a. The person is a subcontractor or is an employee of
1 23 another state department or an institution under the control
1 24 of the state board of regents.
1 25 b. If a person with expertise in a particular area is no
1 26 longer employed by the department, the department may contract
1 27 for a limited period of time to secure the expertise.
1 28 c. The department has demonstrated a good faith effort to
1 29 fill a position that is critical to the health and safety of
1 30 departmental clients from a pool of applicants that does not
1 31 include former departmental employees, but was unsuccessful in
1 32 identifying qualified candidates from the pool.
1 33 d. The person terminated employment with the department
1 34 due to a layoff or reduction in force.
1 35 e. The person terminated employment with the department
2 1 within twelve months of obtaining an advanced degree from an
2 2 accredited college or university and the degree qualified the
2 3 person to provide services that the person was not previously
2 4 qualified to provide.
2 5 3. A contractor shall have adequate liability insurance
2 6 for the services being performed.
2 7 4. A contractor shall be subject to evaluation
2 8 requirements, with preference given to an evaluation performed
2 9 by an independent evaluator.
2 10 EXPLANATION
2 11 This bill establishes requirements for persons contracting
2 12 with the state to provide services.
2 13 The bill amends Code chapter 73, relating to preferences
2 14 for Iowa contracts and labor. The bill requires a person who
2 15 contracts with an executive branch department, commission,
2 16 board, institution, bureau, office, or other state government
2 17 agency, to report all payments received under the contract to
2 18 the department of management. The reporting requirement is
2 19 applied as a condition of receiving the contract. The
2 20 department of management is to annually provide an analysis of

2 21 the reports to the governor and the general assembly.

2 22 Iowa's ethics law in Code section 68B.7 prohibits a state
2 23 employee, within a period of two years after the termination
2 24 of employment, from appearing before the agency or receiving
2 25 compensation for any services rendered on behalf of any
2 26 person, firm, corporation, or association in relation to any
2 27 case, proceeding, or application with respect to which the
2 28 person was directly concerned and personally participated
2 29 during the period of employment. The bill provides a general
2 30 prohibition during the two-year period against a former
2 31 employee of the department of human services providing
2 32 services as a contractor, subcontractor, or employee of a
2 33 contractor providing services to the department. The bill
2 34 provides exceptions to the prohibition, allowing contracting
2 35 with a former employee under certain circumstances.

3 1 The bill requires a contractor with the department of human
3 2 services to have adequate liability insurance for the service
3 3 being performed. A contractor is subject to evaluation
3 4 requirements, with preference given to an evaluation performed
3 5 by an independent evaluator.

3 6 LSB 2030HH 82

3 7 jp:rj/es/88